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5 *Attorneys for Mark D. Waldron, in his capacity*
6 *as the duly-appointed Chapter 11 Trustee*

7 **UNITED STATES BANKRUPTCY COURT**
8 **EASTERN DISTRICT OF WASHINGTON**

9 In re:

10 GIGA WATT, Inc., a Washington
11 corporation,

12 Debtor.

Case No. 18-03197

The Honorable Frederick P. Corbit

Chapter 11

**DECLARATION OF MARK D.
WALDRON IN SUPPORT OF
MOTION OF CHAPTER 11
TRUSTEE FOR APPROVAL OF
COMPROMISE WITH EXECUTIVE
FLIGHT, INC.**

16 I, Mark. D. Waldron, declare as follows:

17 1. I submit this declaration in my capacity as the duly appointed Chapter
18 11 Trustee in the bankruptcy case of the above-captioned debtor ("Debtor") and in
19 connection with the *Motion of Chapter 11 Trustee for Approval of Compromise*
20 *with Executive Flight, Inc.* ("Motion"). The statements set forth herein are based
21 on my investigation of the Debtor's affairs and, except where otherwise noted, are
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1 based on my personal knowledge. If called as a witness, I would and could
2 competently testify hereto.

3 2. EFI contacted my office asserting an informal administrative claim
4 (the "Administrative Rent Claim") in the amount of \$12,378.18 representing one
5 month of post-petition rent for the period from the Petition Date to December 19,
6 2019.

7 3. I am informed and therefore believe that in December 19, 2018, the
8 Debtor vacated the premises that it leased from EFI.

9 4. Pursuant to the Settlement Agreement, I have agreed, subject to Court
10 approval, to transfer to EFI all right, title, interest, and ownership in certain office
11 furniture left by the Debtor when it surrendered the premises that it had leased
12 from EFI. In exchange, EFI will release the estate from an administrative claim in
13 the amount of \$12,378.18, which represents one month of administrative rent
14 allegedly owed by the Debtor to EFI. The office furniture (the "Personal
15 Property") will be transferred "as is" with no warranties, and EFI shall be
16 responsible for any fees, transfer costs and/or taxes associated with the transfer.

17 5. On March 1, 2019, the Personal Property was appraised and it was
18 found to have a fair market value of \$4,530.00.

19 6. While the estate clearly owns the Personal Property, the
20 Administrative Rent Claim also appears at this time to be straightforward. The
21 probability of defeating the Administrative Rent Claim is not clear at this point.
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7. Even if the Administrative Rent Claim were defeated, the estate would still be burdened with the expense of liquidating the Personal Property, for which it has no use.

8. The estate has very limited resources. I am focusing those limited resources on generating and capturing going concern value. Settling the Administrative Rent Claim on the terms set forth herein (returning the office furniture to EFI) is, in my business judgment, an efficient use of those limited resources.

9. The Settlement Agreement resolves an administrative claim without litigation and allows the estate to liquidate burdensome personal property without having to incur any liquidation costs. In my judgment, the Settlement Agreement is in the best interests of creditors.

10. A true and correct copy of the proposed Settlement Agreement is attached to the Motion as Exhibit B.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 19th day of April 2019 in Tacoma, Washington.

Mark D. Waldron

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